

REMARKS

The specification has been amended to include reference numerals 42, 127, 133 and 139 which are included in the drawings as originally presented. New matter is not introduced by this amendment.

Claims 1-21, 24, 25 and 28-32 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending U.S. patent application no. 11/101,886. Claims 1-21, 24, 25 and 28-32 also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending U.S. patent application no. 11/254,438.

M.P.E.P. §804 I.B.1 "Nonstatutory Double Patenting Rejections" states that "[i]f 'provisional' ODP [nonstatutory obviousness-type double patenting] in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer." Further, M.P.E.P. §804 I.B.1 states "[w]here there are three applications containing claims that conflict such that an ODP rejection is made in each application based upon the other two, it is not sufficient to file a terminal disclaimer in only one of the applications addressing the other two applications. Rather, an appropriate terminal disclaimer must be filed in at least two of the applications to link all three together."

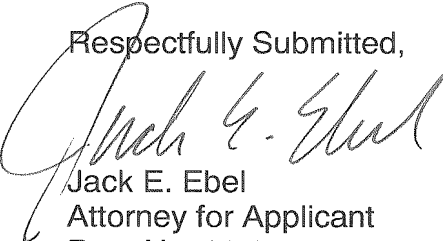
ODP rejections are present in both U.S. patent application nos. 11/101,886 and 11/254,438. Concurrently with filing of this request for reconsideration, appropriate terminal disclaimers are being filed in each of U.S. patent application nos. 11/101,886 and 11/254,438. Accordingly, it is requested that the rejection of claims 1-21, 24, 25 and 28-32 of the captioned application under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of copending U.S. patent application no. 11/101,886 and claims 1-20 of copending U.S. patent application no. 11/254,438 be withdrawn and that the captioned application be allowed to issue.

In the last Office Action dated July 27, 2006, claims 1, 3, 5-7, 16, 18 and 20-31 were rejected "under 35 U.S.C. 102 (b) as being anticipated by Ivan Lorkovic et al "Alkan Oligomerization for the Production of Alkanes, Olefins, Alcohols, Ethers, Fuels, and Aromatics" Pages 1-6". To clarify the record, this rejection was properly a rejection under 35 U.S.C. 102 (e) over United States Patent Application Publication No. US 2005/0038310 A1 citing Provisional application No. 60/487,364 which was filed on July 15, 2003 as the earliest filing date. U.S. Provisional application No. 60/487,364 is titled "Alkane Oligomerization for the Production of Alkanes, Olefins, Alcohols, Ethers, Fuels, and Aromatics", lists Ivan Lorkovic et al. as inventors, and consists of six (6) pages.

Provisional application No. 60/487,364 was listed as cite 64 in an Information Disclosure Statement by Applicant (Form PTO/SB/08A) filed on July 7, 2006. The publication date was inadvertently not included for this Provisional application. The Examiner is requested to complete this Provisional application citation by including the appropriate publication date, i.e. the February 17, 2005 (the publication date of United States Patent Application Publication No. US 2005/0038310 A1 which claims priority to this Provisional application).

In view of the foregoing, allowance of claims 1-21, 24, 25 and 28-32 is requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jack E. Ebel", is written over the typed name and title.

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